

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Lee Withers

TOWN COUNCIL
Arthur Heggins
Brandon Linn
Rodney Phillips
Charles Seaford
Steve Stroud

TOWN OF CHINA GROVE

A regular meeting of the China Grove Town Council

Tuesday, March 05, 2019
7:00 p.m.

China Grove Town Hall
China Grove, North Carolina

CALL TO ORDER

Mayor Withers called the regular meeting of March 5th, 2019 to order and Mr. Stroud led the audience in the Pledge of Allegiance.

Mayor Withers welcome the students from China Grove Elementary, Bostian Elementary, China Grove Middle, South Rowan High School, and Carson High School that are a part of the Mayors Council. He thanked the parents from seeing the value in being involved in government.

Mayor Withers called roll. All council members were present. There was a quorum.

The meeting started at 7:00 pm at the Town Hall.

Mayor Withers amended the agenda with these changes:

Council Updates: add Item I) Mayors Youth Council

Old Business: add Item I) Budget Retreat

Mr. Stroud made a motion to adopt the agenda. Mr. Linn seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from February 5th, 2019 regular meeting
- b) Adopt General Records Schedule for Local Government Agencies – Records Retention and Disposition Schedule

Mr. Linn made a motion to approve the consent agenda. Mr. Stroud seconded the motion, which carried unanimously.

CITIZEN COMMENT

Joseph Keller – 5830 Wright Road, Kannapolis, NC

He stated he is a small business owner and is looking to expanded his business by selling dirt and gravel from his property located off of Pine Ridge Road. He stated the economy is doing great and wishes to benefit by mining the dirt off of this property. Mayor Withers stated he needs to work with staff to make sure all procedures are followed.

Lynn Easton – 709 Miller Street, China Grove, NC

She stated she has an animal control problem in her neighborhood and has called 38 times to report nuisance animals. She stated she has worked with Rowan County Animal Control about aggressive dogs on her property, in her neighborhood, dogs left unattended for days at a time, a goat left un feed and un attended for months at a time. She stated she has a neighbor that lives across the street with an aggressive dog that runs free around the neighborhood. She stated she has called about this issue several times and the issues are not getting resolved. She stated she nor others no longer walk in the neighborhood anymore due to this animal. She stated she is now being harassed by the owner of the animal due to the complaints. Mayor Withers asked Ms. Easton to remain until after the meeting so a discussion can be made.

QUASI-JUDICIAL HEARING

I) 2018-CUP-05 – Auto Sales SIC Code 5521

Mrs. Mills swore in Craig Isaac, Applicant, Steve Souder, Property Owner, and Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover stated Souder Properties is requesting a Conditional Use Permit to allow for auto sales, SIC 5521, in a Highway Business. He stated the applicant is Craig Isaac Architecture and the owner is Steve Souder. He stated this property is located at the corner of East Centerview Street and S US HWY 29. He stated the proposed business would be located in an existing carwash structure converted into an office and garage bays. He stated this project is located in an existing shopping center which includes office spaces with a massage studio. He stated in March of 2018 a zoning permit was issued to Landlogics Construction to convert the existing carwash into small office spaces. He stated construction was never completed and the applicant's plans changed. He stated due to the structure size and lack of specific uses the initial zoning permit followed an administrative process. He stated the exterior elevation is located on the US HWY 29 side of the building. He stated the dumpster will be relocated and screened from view. He stated the landscaping requires Type B landscaping and one canopy tree which is shown on the site plan. He stated we require 40% of the linear footage of the width of this building to be made up of glass doors and windows. He stated they are at 41% with the alternative design material on the garage door. He stated the rear elevation has one garage door with small glass windows and glass windows. He stated the interior elevation has more garage doors with small glass windows with a glass window. He stated the exterior material is concrete Hardie board. He stated this is in the General Commercial category of the Land Use Plan and aligns with the future LUP. He handed out example finding of facts.

Mr. Seaford asked how many cars are allowed on site. Mr. Isaac stated the maximum number allowed on the lot is 6. He stated the bays will be used to clean and detail the cars and then the vehicles will be displayed outside. Mr. Seaford asked if the landscaping will interfere with the selling of the vehicles. Mr. Gover stated the landscaping is intended to shield the parking spaces for customers.

Mayor Withers opened the quasi-judicial hearing.

There was no comment

Mayor Withers closed the quasi-judicial hearing.

Mr. Gover stated the Planning Board voted 4-1 which was based on the future use of the property and not the design.

Mr. Phillips made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan due to the fact the requested proposed plan will redevelop an existing structure and use an existing driveway. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use meets all required conditions and specifications due to the fact that Chapter 4 of the UDO establishes special requirements for automobile sales and the proposed site plan meets the minimum standards of section 4.7. Mr. Linn seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity due to the fact that no material evidence was presented suggesting this request would injure property values. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council due to the fact the project is located within the Highway Business zoning district and the General Commercial future land use category. He stated the General Commercial category recognizes automobile dependent uses and development along major thoroughfares and this project will be in harmony with the area. Mr. Linn seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve 2018-CUP-05 to allow a used auto sales use, SIC 5521 in a Highway Business District on Tax Parcel 103 100 with the condition to allow the use of the garage door glass as an alternative material to meet the window requirement. Mr. Linn seconded the motion, which carried unanimously.

II) 2019-CUP-01 – ATV Sales and Service SIC Code 5571

Mrs. Mills swore in Lisa Revis, Applicant, David Morton, Morton Engineering, and Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover stated Mrs. Revis is requesting a Conditional Use Permit to allow for ATV sales and Service of side by side ATVs, SIC 5571, in a Highway Business. He stated this property is located at 162 Shue Road and is just off North Main Street. He stated side by side ATVs are small 2- to 6-person four-wheel drive off-road vehicles. He stated the parcel has two zonings, Highway Business and Neighborhood Center. He stated the applicant plans to have two businesses on the site, a real estate office and the side by side sales and service. He stated in January of 2017 the Town Council approved 2017-CUP-01, a conditional use permit to allow for outdoor storage of recreational vehicles, and an auto service use within a HB district. He stated no zoning permit was issued and the business owners continued to operate without zoning approval. He stated the site plan was not developed as proposed. He stated the business was eventually closed after multiple warnings, violation notices, and subsequent fines. He stated the site plan submitted met the minimum standards of the UDO. He stated the Major Site Plan Process was followed and the plan was reviewed twice by the Technical Review Committee, and approved by the Planning Board. He stated the submitted site plan has changed slightly to accommodate different uses. He stated the minimum required parking spaces has changed and the landscaping has been modified to specify the width of the planting beds and adds a wooden fence to the side yard. He stated a metal fence is proposed for the rear of the property. He stated the neighbor directly behind this property has had concern of not having a fence. He stated the dumpster area is included for future development. He stated the site plan shows six parking spaces plus one handicap. He stated this is in the Neighborhood Center Land Use category and aligns with the future LUP.

Mr. Seaford asked if the ATVs would be displayed outside. Mrs. Revis stated the ATVs will be located in the building most of the time. Mr. Linn asked what the hours of operation where. Mrs. Revis stated Monday through Friday 8:00 am to 6:00 pm and Saturday 8:00 am to 12:00 pm.

Mayor Withers opened the quasi-judicial hearing.

There was no comment.

Mayor Withers closed the quasi-judicial hearing.

Mr. Phillips made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan due to the fact the proposed ATV dealership, if developed as planned, will redevelop an existing structure and use an existing driveway. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use meets all required conditions and specifications due to the fact the proposed site plan has been approved by the Planning Board and reviewed by the Technical Review Committee. Mr. Heggins seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity due to the fact that no material evidence was presented suggesting this request would injure property values. Mr. Stroud seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve the Finding of Facts that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council due to the fact this project is located on Shue Road just off of North Main Street and both roads are thoroughfares with a variety of existing businesses. He stated the Land Use Plan recommends Neighborhood Center land uses at the intersection of North Main Street and Shue Road. He stated this project will offer two services to citizens, and will be in harmony with the with the neighborhood in terms of intensity and scale. Mr. Linn seconded the motion, which carried unanimously.

Mr. Phillips made a motion to approve 2019-CUP-01 to allow an ATV Sales and Service (SIC 5571) use in the Highway Business District on Rowan Tax Parcel 117 022. Mr. Linn seconded the motion, which carried unanimously.

COUNCIL UPDATES

I) Residential Services Brochure

Mr. Linn thanked staff for putting together the brochure. Mayor Withers asked Mr. Gover how the brochure will be distributed. Mr. Gover stated primarily it will be online. He stated the goal is to answer all the questions residents have about services the town provides. He stated it also explains the yellow tag that the public works department uses to inform residents of issues that need to be corrected in order to collect their items from the curb.

II) House Bill 1112

Mayor Withers stated he has spoken with Carl Ford about HB 1112 and if past will remove the cap on satellite annexations for China Grove. He stated this opens the door for the town to grow.

III) North Carolina Department of Transportation

Mayor Withers stated he attended a reception that Rowan County hosted the NC Department of Transportation at the Transportation Museum. He stated he thanked them for all the road projects in Rowan County. He stated when complete will be amazing for the growth to the area.

IV) Mayor Council

Mayor Withers stated over the last two weeks the Mayor Council held its first meetings to get to know the members. He stated they are excited and want to be a part of the town. He read the names of the members that where here tonight: Carson Pethel - Bostian Elem., Peyton Bell – Bostian Elem., Kylee Hancock – Bostian Elem., Hannah Turnpin – Carson High, Kody Barringer – South High, Harrison Shepherd – South High, Wyatt Cornelius – Bostian Elem., Davis Kemp – Bostian Elem., Raychel Harrity – South High, Robert Gould – China Grove Middle, Thomas Bost – Carson High, Kadence Bailey – China Grove Middle.

DEPARTMENT UPDATES

I) Police Department

Chief Deal stated there are a lot of speeders on HWY 29 and Power Street. He stated south of Food Lion to Gary's BBQ is the majority of the citations. He stated these vehicles are traveling over 15 mph over the posted speed limit.

II) Public Works

Mr. Ketner stated the winter lights are down. He stated please give thanks to Altec for loaning the truck to us. He stated the demolition of 911 South Main Street will start Wednesday. He stated a contractor will be spraying the little league field for ants. He stated the brochure has a lot of useful information in it and will help explaining the services to the residents.

III) Administration

a) Finance

Mrs. Bopp stated she is getting ready for the Budget and within a couple of weeks she will have eight months of data to get ready for the budget discussion. Mayor Withers asked if we have received information on the reevaluation. She stated she has not heard anything yet. Mr. Gover stated he thought we would have the information by now but they will look into it.

b) Code Enforcement

Mr. Gover stated Mr. Ritchie highlighted four cases in the report that he wanted the board to be aware of.

IV) Fire Department

Chief Zimmerman stated tomorrow at 9:30 a.m. the station siren will sound for 3 minutes for a statewide tornado warning. He stated he attended a meeting today concerning road changes along I-85 and HWY 29. He stated next Wednesday there will be major changes on the west side of I-85. He stated there has been a lot of wrecks in this area and they are prepared for accidents that may arise from this road change.

V) SRU

Mr. Wilson stated they will be impacting some residents with water/sewer relocations and tie ins. He stated the meter vault will be relocated soon.

OLD BUSINESS

I) Budget Retreat March 12th

Mayor Withers stated Mr. Deal will be sending out some guidelines on the meeting tomorrow for guidance.

ADJOURNMENT

Mr. Stroud made a motion to adjourn. Mr. Seaford seconded the motion, which carried unanimously.

Respectfully Submitted,

Pamela L. Mills, CMC
Town Clerk

Lee Withers
Mayor